prior related applications. Applicants have also canceled claims 1-64 without disclaimer or prejudice and have added new claims 65-79. Accordingly, claims 65-79 are presently under examination.

Support for all the new claims may be found throughout the specification and claims as filed, as described below.

Support for new claim 65 may be found in claim 1 as filed, *inter alia*. New claim 65 is identical to claim 1 as allowed in parent application U.S. Serial No. 08/862,438, except that the limitations as to the specific promoter regulating expression of DNA encoding the selectable marker have been removed.

Support for new claims 66-74 may be found in claims 2, 3, 5, 8-10, 12, 13 and 17 as filed, *inter alia*. These new claims, dependent on claim 65, are identical to dependent claims 2, 3, 5, 8-10, 12, 13 and 17 as allowed in parent application U.S. Serial No. 08/862,438, except that in the parent application they are dependent on claim 1.

Support for the phrase "wherein the promoter regulating expression of DNA encoding the selectable marker is the thymidine kinase promoter" in new claim 75 is supported *inter alia* by page 12, lines 14-15 of the specification which recites "pMCINeoPolyA in TE buffer (Stratagene, Inc)". The skilled artisan would know that plasmid pMCINeoPolyA carries a thymidine kinase (TK) promoter. As further support, applicants enclose, as Exhibit A, the package insert supplied by Stratagene with this plasmid. In Exhibit A, plasmid pMCINeoPolyA is depicted, and clearly shows the TK promoter.

Support for the phrase "constitutive promoter" in new claim 76 is found *inter alia* in claim 14 as filed. Additional support is found

on pages 21-24 and Figs. 8-12 of the specification; these pages and Figures all demonstrate that there is a basal constitutive level of promoter activity without addition of dopaminergic drugs such as dopamine and apomorphine. These dopaminergic drugs add additional activity above the basal constitutive activity.

Support for the phrase "astrocyte-specific promoter" in new claim 77 is found *inter alia* in claim 15 as filed.

Support for the phrase "method of expressing DNA encoding a biologically active molecule in a subject" in new claim 78 is found *inter alia* in claim 46 as filed.

Support for the phrase "poison pill" in new claim 79 is found *inter alia* in claims 1 and 53 as filed, and in pages 25-26 of the specification.

It should be noted that none of the prior art cited in the prosecution of U.S. Serial No. 08/862,438 discloses stably transfected non-virally genetically modified non-tumorous astrocytes, which harbor a selectable marker and which express a biologically active molecule. New claim 65 is novel and non-obvious over the prior art and applicant is certainly entitled to a claim of the scope of new claim 65. All the other claims pending are dependent on new claim 65, and applicants are therefore also entitled to these dependent claims.

Applicants maintain that this Preliminary Amendment does not introduce new matter. Accordingly, applicants respectfully request entry of this Preliminary Amendment.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

No fee, other than the enclosed $345.00 filing fee, is deemed necessary in connection with this Preliminary Amendment. If any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

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